

## Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 ISO-00 IO-13 SSO-00 NSCE-00 USIE-00  
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03  
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 ACDA-07  
DHA-02 /084 W

-----281340Z 027500 /47

O 281000Z APR 77  
FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC IMMEDIATE 6007  
INFO AMEMBASSY BONN IMMEDIATE  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY GABORONE  
AMEMBASSY LAGOS  
AMEMBASSY LONDON IMMEDIATE  
AMEMBASSY LUSAKA  
AMEMBASSY MAPUTO  
AMEMBASSY OTTAWA IMMEDIATE  
AMEMBASSY PARIS IMMEDIATE  
AMEMBASSY PRETORIA  
USMISSION USUN IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 3 CAPE TOWN 0643

E.O. 11652: GDS  
TAGS: PFOR, SF, US, XA  
SUBJ: NAMIBIA TALKS

REFS: (A) CAPE TOWN 0632, (B) USUN 1167

1. SUMMARY. CONTACT GROUP MET TWICE WITH SAG OFFICIALS  
APRIL 27. AT THE MORNING SESSION, CG PRESENTED POSITION  
OF THE FIVE GOVERNMENTS AS CONTAINED IN "AGREED WORKING  
PAPER" PREPARED IN NEW YORK LAST WEEK. FOREIGN MINISTER  
BOTHAS RESERVED COMMENT ON ALL BUT ONE POINT, VIZ, THAT  
THE SAG NOT PROCEED TO IMPLEMENT THE TURNHALLE  
CONSTITUTION. AFTER IMPLYING THAT VORSTER GOVERNMENT  
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WOULD BE PREPARED TO REFRAIN FROM INTRODUCING  
LEGISLATION TO GIVE LEGAL STATUS TO THE TURNHALLE  
CONSTITUTION, HE DECLARED THAT VORSTER WAS COMMITTED  
TO ESTABLISHING AN INTERIM GOVERNMENT IN NAMIBIA. IF  
THE FIVE GOVERNMENTS WERE OPPOSED TO THIS, THERE WOULD  
BE NO POINT IN CONTINUING THE TALKS. AFTER MORNING  
MEETING WAS ADJOURNED, THE CG CONVEYED TO BOTHAS QUESTIONS

AIMED AT CLARIFYING WHAT HE MEANT. IN AFTERNOON SESSION HE SAID SAG DID NOT INTEND TO SET UP AN INTERIM GOVERNMENT, BUT MERELY INTENDED TO IMPLEMENT SOME "ADMINISTRATIVE REARRANGEMENTS" THAT WOULD BE CONSISTENT WITH UNWISHES AND WOULD FACILITATE PROCESS LEADING TO AN INTERNATIONALLY ACCEPTABLE FORM OF INDEPENDENCE FOR NAMIBIA. HE THEN RESPONDED TO OTHER ASPECTS OF THE CG PRESENTATION. MEETING WAS ADJOURNED UNTIL 10 A.M. APRIL 28 TO GIVE BOTH SIDES TIME TO CONSIDER POINTS WHICH HAD BEEN RAISED. ALTHOUGH FIRST DAY'S DISCUSSIONS WERE BASICALLY EXPLORATORY, SERIOUS DIFFERENCES EMERGED. NOT THE LEAST OF THESE IS THE EVIDENT CONTINUED DESIRE OF SAG TO AVOID UN SUPERVISION AND CONTROL OF ELECTIONS. FURTHER, IT UNCLEAR WHETHER "ADMINISTRATIVE REARRANGEMENTS" REPRESENTS A SIGNIFICANT CONCESSION OR IS NO MORE THAN A DEVICE BY SAG TO INSTALL AN INTERIM GOVERNMENT BASED ON THE UNACCEPTABLE TURNHALLE CONSTITUTION. END SUMMARY.

2. THE FIRST MEETING BETWEEN CONTACT GROUP AND SOUTH AFRICAN OFFICIALS TOOK PLACE THIS MORNING. AT OUTSET, PRIME MINISTER VORSTER SPOKE TO CG FOR A FEW MINUTES. HE WELCOMED GROUP AND SAID THAT "IT IS NOT BEYOND US TO FIND A REASONABLE AND SATISFACTORY SOLUTION" TO NAMIBIAN PROBLEM. THERE WERE MANY INTERESTED PARTIES TO THIS ISSUE, BUT, HE STRESSED, PEOPLE OF SOUTH WEST AFRICA THEMSELVES ARE MOST DIRECTLY CONCERNED. THEREFORE, HE HAD ARRANGED TO BRING SOME TURNHALLE REPRESENTATIVES TO CAPE TOWN. HE STRONGLY RECOMMENDED THAT CG TALK TO THEM, AS WELL AS TO SAG. HE THEN LEFT THE MEETING, CONFIDENTIAL

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TURNING SA SIDE OF IT OVER TO FOREIGN MINISTER BOTHA.

3. AFTER BOTH SIDES HAD AGREED THAT NEITHER WOULD MAKE ANY COMMENT TO THE MEDIA DURING THE COURSE OF THE TALKS, AMBASSADOR MCHENRY, SPEAKING ON BEHALF OF THE CG, TOLD BOTHA (FOREIGN SECRETARY BRAND FOURIE ALSO WAS PRESENT) THAT AT SOME FUTURE STAGE ALL THE INTERESTED PARTIES HAD TO BE INVOLVED. HOWEVER, WE REGARDED IT AS PREMATURE TO TALK TO TURNHALLE PEOPLE HERE IN CAPE TOWN NOW.

4. RESPONDING, BOTHA URGED CG TO RECONSIDER THAT DECISION. HE SAID WE HAD MET OFTEN WITH SWAPO, IN FACT HAD DONE SO JUST BEFORE COMING TO CAPE TOWN. NOW WE HAD AN OPPORTUNITY TO MEET WITH MEN WHO "REPRESENT THE OVERWHELMING MAJORITY OF THE PEOPLE OF SOUTH WEST AFRICA."

5. CG REPLIED THAT WE HAD NOT MET WITH SWAPO IN NEW YORK LAST WEEK, BUT HAD MERELY INFORMED SWAPO THAT WE

WERE GOING TO CAPE TOWN TO DISCUSS NAMIBIAN PROBLEM  
WITH SAG. DELEGATES OF THE FOUR OTHER GOVERNMENTS  
SPOKE IN SUPPORT OF AMBASSADOR MCHENRY, SHARING THE VIEW  
THAT IT WOULD BE PREMATURE TO MEET WITH TURNHALLE  
REPRESENTATIVES NOW, ALTHOUGH AT SOME FUTURE TIME THEY  
COULD BE INCLUDED IN A NEGOTIATING PROCESS.

6. SPEAKING AGAIN ON BEHALF OF CG, MCHENRY, AFTER  
INTRODUCTORY REMARKS, PRESENTED ORALLY THE POINTS  
CONTAINED IN THE AGREED WORKING PAPER DEVELOPED IN NEW  
YORK BY THE FIVE GOVERNMENTS(SEE PARAS 1 THROUGH 7,  
REFTEL B).

7. BOTHA STATED THAT HIS GOVERNMENT WOULD NEED TIME  
TO STUDY THE POINTS THAT HAD BEEN PRESENTED. HOWEVER,  
THERE WAS ONE POINT WHICH HE WANTED TO DISCUSS, I.E.,  
OUR THIRD OBJECTIVE REGARDING SUSPENSION OF THE IMPE-  
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MENTATION OF THE TURNHALLE CONSTITUTION. HE SAID THAT  
THE SAG WAS "FIRMLY, IRREVOCABLY COMMITTED" TO INSTITUTE  
AN INTERIM GOVERNMENT FOR NAMIBIA. HE SAID THAT SAG  
HAD MADE CONCESSIONS BY NO LONGER STANDING IN THE WAY  
OF AN INDEPENDENT, UNITARY STATE, BY MAKING A  
SIGNIFICANT START IN ELIMINATING DISCRIMINATION BASED  
ON COLOR, AND BY AGREEING TO AN EARLY DATE FOR  
INDEPENDENCE. NOW, HOWEVER, SAG WAS BEING PUSHED  
FURTHER--FURTHER TO A POINT BEYOND WHICH IT HAD NO  
CONTROL OVER THE COURSE OF TURNHALLE. BOWDLER

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AMEMBASSY PRETORIA  
USMISSION USUN IMMEDIATE

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8. CONTINUING HIS ARGUMENT, HE REFERRED TO TALKS WITH KISSINGER AFTER THE SOUTH AFRICANS HAD PRESENTED THIER SEVEN POINTS ON NAMIBIA. BOTHA SAID, KISSINGER HAD STATED THAT THE UNITED STATES COULD ASK NO MORE OF SOUTH AFRICA, THAT SOUTH AFRICA HAD BEEN MOST REASONABLE, AND THAT THE UNITED STATES WOULD NOT PUSH SOUTH AFRICA BEYOND THE SEVEN POINTS. NOW, HOWEVER, BOTHA CONTINUED, THE NEW AMERICAN ADMINISTRATION WAS NOT HONORING THOSE VIEWS AND SOUTH AFRICA WAS INDEED BEING PUSHED FURTHER. AT SOME LENGTH, HE DESCRIBED THE DEVELOPMENT OF TURNHALLE OVER THE PAST TWO YEARS. IT WAS THE BLACKS, NOT THE WHITES, REPRESENTED IN TURNHALLE WHO HAD DECIDED THAT THEY WANTED TO DO. A "FOUNDATION WAS LAID FOR A CONFIDENTIAL

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NEW ERA" IN SWA. HE LAMENTED THAT "NOT ONLY DO WE GET NO CREDIT, BUT NOW WE ARE CONFRONTED WITH A DEMAND THA THE WORK OF TURNHALLE NOT BE IMPLEMENTED."

9. HE WENT ON TO SAY THAT HE WAS PREPARED TO DISCUSS WITH THE PRIME MINISTER POSTPONEMENT OF THE INTRODUCTION IN PARLIAMENT OF THE FORMAL DETAILED CONSTITUTION, AS SAG WAS PREPARED TO DO ON MAY 20. BUT IF CG WAS TO TELL HIM THAT IT WOULD OBJECT TO AN INTERIM GOVERNMENT, THEN THERE WOULD BE NO POINT IN CONTINUING THE TALKS.

10. DURING ENSUING DISCUSSIONS, CG DELEGATES POINTED OUT THAT IMPLEMENTATION OF AN INTERIM GOVERNMENT WOULD BE AN ELEMENT THAT WOULD FURTHER COMPLICATE THE PROBLEM OF NAMIBIA. AN INTERIM GOVERNMENT WOULD NOT BE, AS BOTHA HAD TERMED IT, "JUST AN ADMINISTRATIVE REARRANGEMENT". WITH AGREEMENT TO STUDY THE MATTER AND DISCUSS IT FURTHER IN THE AFTERNOON, THE MEETING WAS ADJOURNED. CG SUBSEQUENTLY DECIDED TO HAVE BRITISH AMBASSADOR ASK BOTHA TO EXPLAIN WITH PRECISELY HE HAD MEANT WHEN HE

REFERRED TO THE POSSIBILITY OF POSTPONING THE LEGISLATION TO INTRODUCE AN NEW INTERIM CONSTITUTION FOR NAMIBIA IN THE SOUTH AFRICAN PARLIAMENT, AND WHETHER THE INTERIM GOVERNMENT OR ADMINISTRATIVE REARRANGEMENT TO WHICH BOTHA REFERRED SIMPLY MEANT THE IMPLEMENTATION OF THE TURNHALLE INTERIM CONSTITUTION BY ANOTHER NAME.

11. DURING AFTERNOON SESSION, IN RESPONSE TO THOSE QUESTIONS, BOTHA EXPLAINED THAT WHAT SAG HAD IN MIND WAS TO AVOID THE IRREVOCABLE STEP OF PUTTING INTO LAW THE TURNHALLE CONSTITUTION, UPON WHICH "ALL FUTURE ARRANGEMENTS WOULD HAVE BEEN BASED." CLEARLY IMPLYING THAT VORSTER WOULD AGREE, HE SAID HE WAS PREPARED TO ASK VORSTER AND THE CABINET NOT TO INTRODUCE LEGISLATION TO IMPLEMENT THE CONSTITUTION.

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12. HE THEN EXPLAINED THAT "INTERIM GOVERNMENT" WAS NOT THE CORRECT TERMINOLOGY; WHAT HE HAD MEANT TO CONVEY TO THE CG WAS THAT SAG WOULD TURN OVER TO LOCAL AUTHORITIES IN NAMIBIA SOME OF THE GOVERNMENTAL FUNCTIONS NOW BEING CARRIED OUT BY THE SAG. THIS, HE SAID, WOULD "MAKE YOUR TASK EASIER," FOR IT WOULD INVOLVE A REARRANGEMENT TO ELIMINATE SOME OF THE CONTROL THAT SOUTH AFRICA EXERTED OVER THE TERRITORY. MOREOVER THROUGH THIS ARRANGEMENT, SOME ASPECTS OF DISCRIMINATION COULD BE ELIMINATED WITHOUT REFERENCE TO LEGISLATION BY THE SOUTH AFRICA PARLIAMENT. HE ADDED THAT VORSTER HAD MADE A COMMITMENT TO THE TURNHALLE PEOPLE TO MAKE THESE ADMINISTRATIVE CHANGES. HE COULD NOT TELL THE PEOPLE OF NAMIBIA THAT NOT ONLY WOULD THE TURNHALLE CONSTITUTION NOT BE INTRODUCED, BUT ALSO THAT THERE WOULD BE NO "ADMINISTRATIVE REARRANGEMENTS". HE THEN WENT ON TO SAY THAT THE AUTHORITY FOR THE ADMINISTRATIVE REARRANGEMENTS COULD BE PROVIDED BY MEANS OF A DECREE BY THE SATE PRESIDENT.

13. QUESTIONED ABOUT WHAT WOULD BE THE BASIS OF AUTHORITY FOR THE RUNNING OF THOSE DEPARTMENTS WHICH WOULD BE TAKEN OVER BY THE NAMIBIANS, AND JUST HOW THIS WOULD WORK, BOTHA WAS VAGUE. HE DID NOT KNOW WHAT WOULD BE THE JURIDICAL BASIS OF THE NEW GOVERNMENT, SINCE SAG HAD NOT HAD TIME TO CONSIDER THIS. HE SAID THAT ADAPTATIONS WOULD HAVE TO BE MADE. HE EMPHASIZED THAT THE WORKINGS OF THESE NEW ADMINISTRATIVE ARRANGEMENTS WOULD NOT BE BASED ON THE PROPOSED TURNHALLE CONSTITUTION, AND HE NOTED THAT HE WAS NOT TALKING ABOUT AN INTERIM GOVERNMENT, FOR THESE ADMINISTRATIVE REARRANGEMENTS WOULD NOT INCLUDE SUBSTANTIAL ATTRIBUTES OF A GOVERN-

MENT. WHAT WAS INVOLVED WOULD BE A CONTINUATION OF  
THE PRESENT ADMINISTRATIVE SITUATION IN THE TERRITORY  
BUT WITH A DEVOLUTION OF SOME ADMINISTRATIVE FUNCTIONS  
TO LOCAL PEOPLE, SOME OF WHOM COULD BE TURNHALLE  
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REPRESENTATIVES.

14. AFTER BEING ASKED WHETHER HE WOULD WANT TO DISCUSS  
OTHER ASPECTS OF THE CG PRESENTATION, BOTHA SAID THAT,  
AFTER TALKING TO VORSTER AND TO TURNHALLE PEOPLE, HE  
HAD PREPARED A SUMMARY OF WHAT HE BELIEVED TURNHALLE  
GROUP WOULD ACCEPT. HE THEN READ THE FOLLOWING:

(A) "WE ACCEPT THAT ALL THE INHABITANTS OF THE  
TERRITORY HAVE THE RIGHT TO PARTICIPATE IN A FULLY  
DEMOCRATIC PROCESS IN THE EXERCISE OF THEIR RIGHT TO  
SELF DETERMINATION.

(B) "WE FURTHER ACCEPT THAT BEFORE INDEPENDENCE,  
ELECTIONS WILL BE HELD IN TERMS OF A CONSTITUTION.

(C) "WE HAVE NOT BEEN HAMMERING OUT CONSTITUTIONAL  
PROPOSALS OVER A LONG PERIOD FOR NOTHING. ON THE OTHER  
HAND, WE DO HOWEVER FULLY ACCEPT THAT A CONSTITUTION  
CANNOT BE IMPOSED ON THE INHABITANTS. IN CIRCUMSTANCES  
WHERE SOME ORGANIZATIONS ALLEGE THAT THE TURNHALLE  
CONFERENCE WAS NOT CONSTITUTED IN SUCH A MANNER AS TO  
TRULY REPRESENT THE MAJORITY OF THE INHABITANTS, WE  
ARE PREPARED TO TEST THE DRAFT CONSTITUTION ON A  
COUNTRY-WIDE BASIS BEFORE ELECTIONS IN TERMS OF THE  
CONSTITUTION ARE HELD. BOWDLER

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FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC IMMEDIATE 6009  
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AMEMBASSY PRETORIA  
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 3 OF 3 CAPE TOWN 0643  
C O R R E C T E D C O P Y - FOR SECTION INFORMATION  
(D) "WE ARE PREPARED TO ALLOW AND WOULD WELCOME INTERNATIONAL OBSERVATION IN RESPECT OF SUCH TESTING OF THE ACCEPTABILITY OF THE FINAL CONSTITUTION. WE ARE NOT PREPARED, HOWEVER, TO SUBMIT TO OUTSIDE SUPERVISION AND CONTROL. IT WILL BE A FURTHER CONDITION THAT THE FIVE POWERS NOW INVOLVED WILL BE REPRESENTED DURING SUCH OBSERVATION. IT MUST FURTHER BE CLEARLY UNDERSTOOD THAT SUCH POWERS WILL GRANT RECOGNITION TO AN INDEPENDENT SOUTH WEST AFRICA IN THE EVENT OF SUCH DRAFT CONSTITUTION BEING ACCEPTED BY THE MAJORITY OF THE INHABITANTS AND INDEPENDENCE THEN BEING OBTAINED BASED ON SUCH A CONSTITUTION.

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(E) "THERE IS NOT OBJECTION TO PEACEFUL PARTICIPATION BY ALL POLITICAL PARTIES AND GROUPS IN (1) IN TESTING OF THE DRAFT CONSTITUTION OR (2) THE ELECTIONS TO BE HELD IN TERMS OF THE DRAFT CONSTITUTION. THE TERM "PEACEFUL" IS OF PARAMOUNT IMPORTANCE. THERE COULD BE NO QUESTION OF PEACEFUL PARTICIPATION IF ANY INDIVIDUAL, PARTY OR GROUP INVOLVED HAS A GUN IN HAND, OR IS DIRECTLY INVOLVED WITH ASSOCIATES OUTSIDE THE TERRITORY WITH GUNS IN THEIR HANDS.

(F) "IT IS OBVIOUS THAT SOUTH AFRICAN ADMINISTRATION WILL COME TO AN END AT INDEPENDENCE.

(G) "REGARDING RETURNEES, THERE IS NO OBJECTION AS LONG AS RETURNEES COME IN PEACE."

15. BOTHA STATED THAT HE BELIEVED THAT THE FOREGOING POINTS CONSTITUTE DRAMATIC PROGRESS AND COMPLY WITH THE BASIC ELEMENTS OF UN DEMANDS OVER THE YEARS. HE CLAIMED THAT HE HAD EXTRACTED CONCESSIONS FROM THE

TURNHALLE PEOPLE AFTER A "BLUNT PRESENTATION" BY HIM  
OF WHAT THE CG HAD TOLD HIM IN THE MORNING.

16. IT WAS AGREED TO ADJOURN UNTIL TOMORROW IN ORDER  
TO GIVE BOTHA MORE TIME TO DISCUSS THE MATTER WITH THE  
TURNHALLE PEOPLE AND TO ALLOW THE CG TO STUDY THE  
POINTS HE HAD MADE BEFORE MAKING ANY COMMENT ABOUT THEM.

COMMENT:

17. ALTHOUGH BOTH SIDES PUT A LOT ON THE TABLE, WE  
BELIEVE THAT THE TWO SESSIONS WERE ESSENTIALLY  
EXPLORATORY. DURING THE MORNING BOTHA WAS AGGRESSIVE  
AND TRUCULENT. HOWEVER, BY THE AFTERNOON, WHEN IT  
APPARENTLY HAD BECOME CLEAR TO HIM THAT HIS REFERENCE  
TO INSTALLING AN "INTERIM GOVERNMENT" WAS A SERIOUS  
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STUMBLING BLOCK, AND AFTER HE WAS ABLE TO OFFER THE  
POSSIBLY SOMEWHAT MORE ACCEPTABLE IDEA OF AN  
"ADMINISTRATIVE REARRANGEMENT", HE PUT ON A DIFFERENT  
FACE.

18. THESE FIRST TWO SESSIONS SHOW THAT DESPITE SOME  
CONCESSIONS, WE HAVE A LONG WAY TO GO TO ACHIEVE AN  
ACCEPTABLE BASIS FOR NEGOTIATIONS BETWEEN THE PARTIES  
DIRECTLY INVOLVED. SOUTH AFRICANS HAVE, AT LEAST  
INITIALLY, REJECTED UN SUPERVISION AND CONTROL OF  
ELECTIONS. ALTHOUGH ACCEPTING THE IDEA OF SOME FORM OF  
ELECTIONS, THEY CONTINUE TO THINK IN TERMS OF A REFERENDUM  
REGARDING THE CONSTITUTIONAL PROPOSAL BY THE TURNHALLE  
CONFERENCE. THEY DID NOT ADDRESS THE QUESTION OF POLITICAL  
PRISONERS. THEY HAVE INJECTED A RIDER THAT THE FIVE  
POWERS WILL GRANT RECOGNITION IF TURNHALLE CONSTITUTION  
IS ACCEPTED BY VOTERS.

19. MOREOVER, DESPITE BOTHA'S ATTEMPTED EXPLANATION,  
AT THIS POINT WE DO NOT KNOW THE SUBSTANTIVE DIFFERENCE  
BETWEEN AN "INTERIM GOVERNMENT" AND "ADMINISTRATIVE  
REARRANGEMENTS". IT MAY BE THAT THERE IS NO REAL  
DIFFERENCE.

20. ON THE BASIS OF OUR ASSESSMENT OF BOTHA'S  
PRESENTATION, WE EXPECT THAT AFTER WE CONSULT WITH OUR  
CONTACT GROUP COLLEAGUES, TOGETHER WE AND THEY WILL IRON  
OUT THE UNRESOLVED DIFFERENCES THAT STILL EXIST  
BETWEEN US AND THE SAG. HAVING DONE THAT, WE WILL SEE  
WHAT THEY HAVE TO SAY. HOWEVER, WE DO NOT, OF COURSE,  
INTEND TO GET INVOLVED IN NEGOTIATIONS AND WILL MAKE  
THAT CLEAR TO THEM. BOWDLER



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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
**Page Count:** 9  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009